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ALERE MEDICAL, INC.

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UNITED STATES DISTRICT COURT

10 NORTHERN DISTRICT OF CALIFORNIA

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12 ALERE MEDICAL, INC., a California Corporation,

13 Plaintiff,
14 v.

15 HEALTH HERO NETWORK, INC., a California Corporation.

Defendant.

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No. C-07-05054 CRB

**DECLARATION OF RONALD D.
GERATY IN SUPPORT OF ALERE
MEDICAL, INC.'S REPLY TO
NOTICE OF PENDENCY OF
OTHER ACTION OR PROCEEDING
(CIVIL L.R. 3-13)**

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1 I, Ronald D. Geraty, M.D., declare as follows under penalty of perjury:

2 1. I am Chief Executive Officer of Alere Medical, Inc. ("Alere"). I have
 3 personal knowledge of the matters stated herein and if called as a witness could and would testify
 4 competently to the facts stated in this declaration.

5 2. Alere is a California corporation with offices in California and Nevada.
 6 The witnesses pertinent to this action reside in both of those locations, including the Northern
 7 District of California.

8 3. On or about August 23, 2006 I received a letter from Sandeep Jaggi of
 9 Health Hero Network, Inc. ("Health Hero") stating that Health Hero believed that Alere was
 10 "making, using and/or selling systems, services and products" that required a license to several
 11 of Health Hero's patents.

12 4. The letter included preliminary claim maps attempting to tie Alere's
 13 products to eleven Health Hero patents. Among the patents asserted by Health Hero were:
 14 U.S. Patent No. 5,601,435; U.S. Patent No. 6,368,273; U.S. Patent No. 5,832,448; U.S. Patent
 15 No. 6,246,992; U.S. Patent No. 5,879,163; U.S. Patent No. 6,151,586; and U.S. Patent No.
 16 6,161,095.

17 5. Alere denies that the patents referenced in paragraph 3 above are infringed
 18 by it.

19 6. Alere was sued on claim 21 of U.S. Patent No. 7,223,236 by Health Hero
 20 in U.S. District Court for the Northern District of Illinois on September 6, 2007. This patent was
 21 not included in the patents identified in Health Hero's August 23, 2006 letter.

22 I declare under penalty of perjury under the laws of the United States and the
 23 State of California that the foregoing is true and correct, and that this declaration is executed on
 24 October 19, 2007, at Marlboro, MA.

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 27 Ronald D. Geraty